

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 6/17/2014	(3) CONTACT/PHONE Karen Nall, Senior Planner/781-5606	
(4) SUBJECT Hearing to consider a request by the County of San Luis Obispo to amend the Land Use Ordinance, Title 22 and the Coastal Zone Land Use Ordinance, Title 23 to add Sections 22.70.035 and 23.01.046 referring to reasonable accommodations in order to provide individuals with disabilities flexibility in the application of land use regulations. This project is exempt under CEQA. All Districts.			
(5) RECOMMENDED ACTION It is recommended that the Board hold the public hearing on the amendments recommended for approval by the Planning Commission as set forth in the attached Exhibits and staff report.			
(6) FUNDING SOURCE(S) Department Budget	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input checked="" type="checkbox"/> Hearing (Time Est. <u>20 min</u>) <input type="checkbox"/> Board Business (Time Est. <u> </u>)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input type="checkbox"/> Contracts <input checked="" type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: <input type="checkbox"/> 4/5 Vote Required <input checked="" type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date: <u> </u>	
(17) ADMINISTRATIVE OFFICE REVIEW Lisa M. Howe			
(18) SUPERVISOR DISTRICT(S) All Districts			

County of San Luis Obispo



TO: Board of Supervisors

FROM: Planning and Building / Karen Nall, Senior Planner

VIA: Ellen Carroll, Manager, Planning Division

DATE: 6/17/2014

SUBJECT: Hearing to consider a request by the County of San Luis Obispo to amend the Land Use Ordinance, Title 22 and the Coastal Zone Land Use Ordinance, Title 23 to add Sections 22.70.035 and 23.01.046 referring to reasonable accommodations in order to provide individuals with disabilities flexibility in the application of land use regulations. This project is exempt under CEQA. All Districts.

RECOMMENDATION

It is recommended that the Board hold the public hearing on the amendments recommended for approval by the Planning Commission as set forth in the attached Exhibits and staff report.

DISCUSSION

At today's meeting, your Board will hold a public hearing on the following amendments recommended for approval by the Planning Commission and take final action.

1. The Planning Commission is transmitting the record of their meeting of April 10, 2014 to your Board for the attached proposed amendments to Title 22 (Land Use Ordinance) and Title 23 (Coastal Zone Land Use Ordinance) of the County Code, as follows:

A request by the **COUNTY OF SAN LUIS OBISPO** to add Section 22.70.035 to the Land Use Ordinance, Title 22 of the County Code and Section 23.01.046 to the Coastal Zone Land Use Ordinance, Title 23 of the County Code referring to reasonable accommodations. The purposes of the amendments are to provide individuals with disability flexibility in the application of land use regulations.

County File No: **LRP2013-00009**

Supervisory District: All

Staff Comments

The federal Fair Housing Amendments Act of 1988 and California's Fair Employment and Housing Act, prohibit discrimination against individuals with disabilities in housing and require that cities and counties take affirmative action to eliminate regulations and practices that deny housing opportunities to individuals with disabilities. The fair housing laws require that cities and counties provide individuals with disabilities or developers of housing for people with disabilities, flexibility in the applications of land use and zoning and building regulations practices and procedures.

The proposed amendments are necessary in order to provide a procedure for an individual with disabilities to seek a "reasonable accommodation". Reasonable accommodation means providing an individual with a disability, flexibility in the application of land use regulations, including modification or exception to the requirements for siting development when necessary to eliminate regulatory barriers. Adjustments may include, but are not limited to setbacks and encroachments for ramps, handrails or other such accessibility improvements; hardscape additions such as widening driveways, parking areas or walkways that would not otherwise comply with landscaping or open space provisions; reduce off-street parking where the disability clearly limits the number of people operating vehicles; tree removal; and building addition(s) necessary to afford the applicant and equal opportunity to use and enjoy a dwelling

The Planning Commission of the County of San Luis Obispo held a public hearing on April 10, 2014 to consider the proposed amendments to add Section 22.70.035 to the Land Use Ordinance, Title 22 of the County Code and Section 23.01.046 to the Coastal Zone Land Use Ordinance, Title 23 of the County Code referring to reasonable accommodations. The Planning Commission recommended that your Board find that the amendment is exempt from the California Environmental Quality Act by General Rule and approve the amendments.

The Planning Commission considered the above referenced matter and took the following action to recommend approval of the proposed amendment:

On the motion of Commissioner Tim Murphy, seconded by Commissioner Eric Meyer, and carried unanimously, recommending to the Board of Supervisors approval of Land Use Ordinance Amendment LRP2013-00009 based on the findings listed in Exhibit A, and the revised Exhibit B changes, which will be incorporated into Exhibits C and D, and incorporating the changes proposed by Commissioner Meyer.

Attachments C, D and E contain the Planning Commission record for this item.

Final Action

Final action on the above described amendments occurs through the adoption of the attached ordinances.

OTHER AGENCY INVOLVEMENT/IMPACT

The amendments were referred to all applicable responsible agencies and were reviewed and recommended for approval by the Planning Commission.

In addition, County Counsel reviewed the ordinances as to form and content.

FINANCIAL CONSIDERATIONS

County initiated amendments are processed using funds in the current Planning and Building department budget.

RESULTS

Final approval of the requests will allow the amendments to become effective 30 days after today's date for the inland Title 22 changes (July 17, 2012). The Title 23 changes will become effective following approval by the state Coastal Commission and acknowledgment of that approval (if there are proposed modifications) by your Board. This amendment is consistent with the countywide goals of promoting prosperous and livable communities.

ATTACHMENTS

1. Attachment A – Amending Ordinance Title 22
2. Attachment B – Amending Ordinance Title 23
3. Attachment C – Planning Commission Memo
4. Attachment D – Planning Commission Minutes from the April 10, 2014 Meeting
5. Attachment E – Planning Commission Staff Report